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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,185	04/14/2004	David Engebretson	391658003US1	5901
7590	05/04/2007			
David J. Engebretson President Comfort Design, Inc. 5110 River Road East Tacoma, WA 98443			EXAMINER	
			GILBERT, WILLIAM V	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/824,185	ENGBRETSON, DAVID
	<b>Examiner</b>	<b>Art Unit</b>
	William V. Gilbert	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 24 August 2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This is a First Action on the Merits. Claims 1-5 are pending below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cudini (U.S. Patent No. 3,201,831).**

Claim 1: Cudini discloses a frame assembly comprising a cover (Fig. 2: 10) having a transverse member (14) and a face (proximate 28), the transverse member has first and second edges (see "A" and "B" respectively from attached Figure 2 from Cudini, below), inner and outer surfaces (proximate 14 and 22, respectively) the face is adjacent to the first edge, and the second edge tapers outwardly in a direction from the first edge to the second edge; a main frame (26) adapted to support a closure member (46) with respect to a frame opening (proximate

36), the frame having a confronting periphery (proximate 26) and an overhanging portion (24); a confronting edge (proximate "B", below) engages the second edge of the transverse member; a resilient support (18) engages an outer surface of the transverse member, and the resilient support is compressed by the transverse member as the member is moved toward the frame and the support is configured to urge the inner surface of the transverse member against the overhanging portion of the frame (proximate 35).

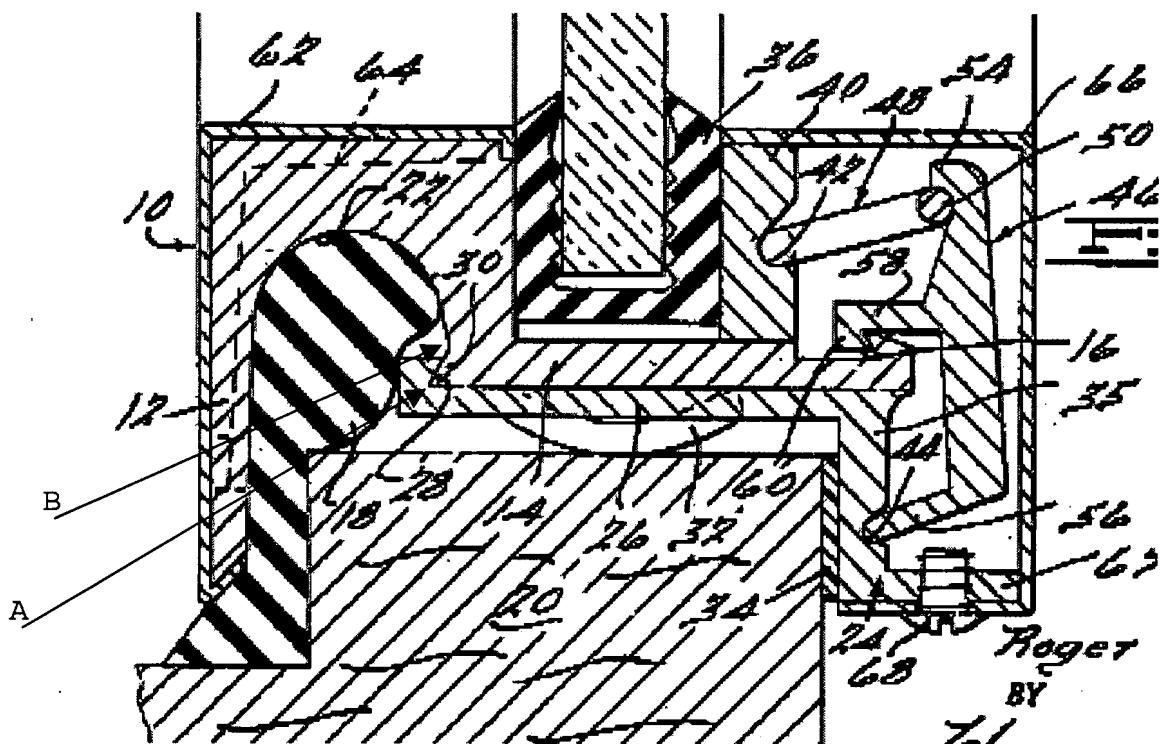


Figure 2 from Cudini

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Claim 2: the resilient support member (18) is a compressible foam.

Claim 5: Cudini discloses a method of installing a window frame assembly comprising positioning a resilient support (18) with respect to a window housing (20), positioning a frame (26) having an opening, a confronting periphery (proximate 26) and an overhanging portion (24), positioning a cover (10) with respect to the window housing and frame, the cover has a transverse member (14) having a reduced thickness leading edge ("A" and "B" above) with a surface that tapers radially outward in a direction toward a cover; engaging at least a portion of the transverse member with the periphery (proximate 28) of the main frame and urging the cover toward the main frame to juxtapose at least a portion of the transverse member with the overhang of the main frame; the transverse member is compressing the resilient support.

**Claims 1, 3 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger (U.S. Patent No. 4,266,383).

Claim 1: Krueger discloses a frame assembly comprising a cover (76) a having a transverse member (81) and a face (side between points 82 and 83), the transverse members has first and second edges (83 and 82, respectively), inner and outer surfaces

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(proximate 81 and 86), the face is adjacent to the first edge, and the second edge tapers radially outwardly for the first to second edge; a main frame (36) adapted to support a closure member (56) with respect to the frame opening, the main frame has a confronting periphery (37) and an overhanging portion (83), the periphery includes a confronting edge (proximate 83) configured to engage the second edge of the transverse member; and a resilient support (85) configured to engage the outer surface of the transverse member, and the resilient support is compressed by the transverse member as the member is moved to the frame and the support urges the inner surface of the member against the overhanging portion of the frame

Claim 3: the resilient support (85) is a leaf spring.

Claim 4: the resilient support has a tapered profile adapted to engage (proximate 82) the transverse member.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be

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reached on 571.272.6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VSh  
04/30/07  
WVG *Bonita K. Johnson*  
*Patent Examiners*  
*Serial No. 1A 3635*  
4/30/07